

REMARKS

In the Office Action mailed December 4, 2003, claims 1, 7, and 13-19 are rejected under 35 USC 103(a) as being unpatentable over O'Neil in view of Gardner (Gardner III). The rejection states that O'Neil discloses a container for volatile substances evaporated by an evaporation device having a container body 12, a container neck as recited, a wick 16 inserted in the container opening, a wick retaining insert 14 inserted into the container opening of the container neck for holding the wick in the container, where the wick retaining insert has an outside insert wall at least partially in contact with an inside container neck wall when inserted. The rejection further states that O'Neil discloses a snap-in element 20 having a section 68 provided on an outside wall of insert 14, the snap-in element interacting with a complimentary element formed on an inside wall of the container neck as recited in claim 7. Other aspects of O'Neil believed to be pertinent are pointed out in the rejection. The rejection concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of O'Neil by incorporating a wick fixing device and a clamping connection for clamping the wick within the wick retaining insert as taught by Garner to prevent the wick from being pulled out.

In the Office Action claims 2-6, 8-12, and 20-22 are objected to as being dependent upon a rejected base claim, but are said to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to incorporate the subject matter of claim 2, indicated to be allowable, and is thus to be in condition for allowance. Likewise, claims 1-18 dependent on claim 1 are believed to be in condition for allowance and because of the additional

limitations contained therein. Claim 19 has been amended to incorporate the subject matter of claim 21, previously indicated to be allowable and thus claim 19 is believed to be in condition for allowance. Claims 20 and 22 dependent on claim 19 are believed to be in condition for allowance for the same reasons and because of the further limitations contained therein. In addition, new claim 23 is presented rewriting dependent claim 20, previously indicated allowable, as an independent claim. Accordingly, claim 23 is now believed to be in condition for allowance.

Also enclosed is an Information Disclosure Statement disclosing the European Search Report in applicant's parallel European application. One of the reported documents on the Search Report is listed as being pertinent, FR 2 804 662 A. This document shows two inserts inserted in the neck of a bottle, 4 and 6. The first insert 4 has a plurality of fingers 18 at its end which spread to retain the insert in the neck (Figure 3). Wick 10 is inserted into a second insert 6 before the second insert is inserted into the first insert (Figures 1-3). The second insert 6 includes ribs 28 which are pressed into wick 10 during the insertion of the second insert into the first insert (Figures 3 and 4). The main difference between the French reference and the present invention is that the present invention uses only a single insert that is inserted into a bottleneck designed with two diameters as set forth in allowed independent claims 1 and 23. Claim 19, incorporating previously allowed claim 21, has also been amended to point out the single insert feature of the present invention.

Accordingly, for the above reasons, the claims are all believed to be in condition for allowance. Favorable action on the claims and passing of the case to issue is respectfully requested.

Respectfully submitted,



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